

REMARKS:

Status of Claims

Claims 1-8, 10 and 12-13 are pending of which claim 1 is an independent claim. Claims 12 and 13 have been added. Support for the subject matters recited in claims 12 and 13 may be found in paragraph 30 of the specification.

Claim Rejections under 35 USC 102 and 103

In the Office Action mailed October 9, 2007, claim 1 of the present application is rejected under 35 U.S.C. 102(a) as being anticipated by Komatsu. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu in view of Tajima et al (US 6,263,817). Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu in view of Jalowsky (US 4,517,910). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu in view of Fortuna (US 6,718,895). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu in view of JP 2000-64183. Thus, Komatsu is the main reference relied upon to reject the claims of the present application.

Komatsu is a PCT publication No. WO 03/024676 published on March 27, 2003 in a language other than English. The present application was filed in the PTO on February 20, 2004. Given the filing date of the present application, Komatsu only qualifies as prior art under 35 U.S.C. 102(a). Attached is a Declaration under 37 C.F.R. 1.131 by Minoru Goda, the inventor of the present application, to show prior invention. As declared by Mr. Goda and evidenced by Exhibit A, Mr. Goda conceived and reduced to practice the invention of the present application prior to March 27, 2003. Therefore, Komatsu in fact does not qualify as prior art against the present application. Since Komatsu does not qualify as prior art, all of the rejections relying on Komatsu are moot.

Respectfully submitted,

Dated: April 8, 2008


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